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7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
9 **SAN FRANCISCO DIVISION**
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11 JAMES EDWARD HOLMES,

12 Plaintiff,

13 v.

14 SAN FRANCISCO POLICE
15 DEPARTMENT, JOSHUA ESPONOZA,
16 EITHINE CUMMINS, RALPH KUGER,
17 KEN KIKUCHI, ERIK LEUNG, PHILLIP
18 FRENKEL, PARMIJIT KAUR, ERIC
19 VALENTINE and DOES 1-50,

20 Defendants.

Case No. 14-cv-00584 NC

**ORDER TO FILE STATUS
REPORT, SHOW CAUSE RE:
DISMISSAL, AND CONTINUING
CASE MANAGEMENT
CONFERENCE**

21 This matter came before the Court for a continued case management conference on
22 November 19, 2014. *See* Dkt. No. 62. No appearance was made on behalf of plaintiff.
23 The Court will hold a case management conference on December 10, 2014, at 3:00 p.m. in
24 Courtroom A, 15th Floor, U.S. District Court, 450 Golden Gate Avenue, San Francisco,
25 California. Plaintiff's counsel must appear in person and show cause why the case should
26 not be dismissed for failure to appear at the case management conference and failure to
27 prosecute the case. Defendants' counsel may appear by telephone.

28 Additionally, plaintiff has failed to comply with the Court's order, Dkt. No. 62, to
file a status report by October 17, 2014, providing information about the status of service

1 on defendants Eithine Cummins or Ralph Kuger and showing cause why this action should
2 not be dismissed against those defendants under Federal Rule of Civil Procedure 4(m). If
3 plaintiff does not remedy this deficiency by November 21, 2014, the Court will dismiss
4 these defendants without prejudice.

5 Finally, the November 12 joint case management statement states that the parties
6 have agreed to resolve the pending motion for default judgment by having plaintiff serve a
7 waiver of service of summons to defendants Joshua Espinoza and Phillip Frenkel. Dkt. No.
8 70 at 2. Plaintiff's status report, due November 21, must also include a statement
9 identifying the defendants, if any, against whom plaintiff intends to proceed with the
10 pending default judgment motion. If plaintiff intends to dismiss any of the defendants from
11 this case, notice of such dismissal must be filed by November 26, 2014.

12 IT IS SO ORDERED.

13 Date: November 20, 2014


14 Nathanael M. Cousins
United States Magistrate Judge